GOVERNMENT OF INDIA
TRIBAL AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:1897
ANSWERED ON:08.03.2013
CONSTITUTION OF FOREST RIGHTS COMMITTEES
Rai Shri Prem Das

Will the Minister of TRIBAL AFFAIRS be pleased to state:

(a) whether the Forest Rights Committees have been constituted at the Gram Sabha Level in all States as provided in the Forest Rights Act, 2006;

(b) if so, the implementation status thereof State/UT-wise;

(c) whether the absence of such committees hamper the verification of claims; and

(d) if so, the measures taken by the Government to ensure proper verification of claims at the Gram Sabha level?

Answer

MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS (SMT. RANEE NARAH)

(a) & (b): The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 does not contain any provision for constitution of Forest Rights Committee by the State Governments. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008, notified by the Ministry of Tribal Affairs on 1.1.2008 for implementing the provisions of the Act, however, provide for constitution of Forest Rights Committee by the Gram Sabha for assisting the Gram Sabha in the functions assigned to it under the Act. The requisite implementation status thereof, State/ UT-wise, is given in the Annexure.

(c): As per the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008, notified on 1.1.2008, the Forest Rights Committee is required to assist the Gram Sabha in its functions to -

(i) receive, acknowledge and retain the claims in the specified form and evidence in support of such claims;

(ii) prepare the record of claims and evidence including maps;

(iii) prepare a list of claimants on forest rights;

(iv) verify claims as provided in the Rules;

(v) present their findings on the nature and extent of the claim before the Gram Sabha for its consideration;

(vi) acknowledge every claim received, in writing;

(vii) prepare the claims on behalf of Gram Sabha for community forest rights in the prescribed Form.

The Rules also provide that the Forest Rights Committee shall, after due intimation to the concerned claimant and the Forest Department −

(a) visit the site and physically verify the nature and extent of the claim and evidence on the site;

(b) receive any further evidence or record from the claimant and witnesses;

(c) ensure that the claim from pastoralists and nomadic tribes for determination of their rights, which may either be through individual members, the community or traditional community institution, are verified at a time when such individuals, communities or their representatives are present;

(d) ensure that the claim from member of a primitive tribal group or pre-agricultural community for determination of their rights to habitat, which may either be through their community or traditional community institution, are verified when such communities or their representatives are present;

(e) prepare a map delineating the area of each claim indicating recognizable landmarks; and

(f) record its findings on the claim and present the same to the Gram Sabha for its consideration.

The Rules further provide that if there are conflicting claims in respect of the traditional or customary boundaries of another village or if a forest area is used by more than one Gram Sabha, the Forest Rights Committees of the respective Gram Sabhas shall meet jointly to consider the nature of enjoyment of such claim and submit the findings to the respective Gram Sabha in writing. The absence of the Forest Rights Committees is thus likely to hamper the verification of the claims

(d): The Ministry has brought about appropriate changes in the Rules on 06.09.2012 and issued comprehensive guidelines on 12.7.2012 to ease out the problems and hindrances encountered in the implementation of the Act, and to provide unencumbered excess to rights already conferred by the Act. After the amendments in the Rules, the Ministry also organized five regional consultations on Forest Rights Act, 2006 followed by a National meeting at New Delhi, wherein the amendments in the Rules were explained to the functionaries of the State Governments and the State Governments were directed to make special efforts for expeditious implementation of the Act.